

REMARKS

Claims 1-40 are pending. Claims 31-36 have been withdrawn from consideration and, by this amendment, canceled. Claims 1-30 and 37-40 have been rejected. Claims 37 and 38 have been amended. Reconsideration of Claims 1-30 and 37-40 in view of the following remarks is respectfully requested.

The Rejection of Claims 1-7, 10, 16, 25-30, and 37-40 Under 35 U.S.C. § 102(b)

Claims 1-7, 10, 16, 25-30, and 37-40 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,549,589, issued to Horney et al. Applicants traverse the rejection for the following reasons.

Claims 1 and 25 are the pending independent claims. Claims 2-7, 10, 16, 37, and 39 depend from Claim 1, and Claims 26-30, 38, and 40 depend from Claim 25. Claims 1 and 25 each recite a layer that includes a refined blend of crosslinked and noncrosslinked cellulosic fibers.

The Examiner states that the Horney reference describes a fibrous layer comprising a refined blend of crosslinked fibers and noncrosslinked fibers. Applicants respectfully disagree.

The Examiner cites column 7, lines 13-19 of the reference as support for the position that the reference describes a refined blend of crosslinked and noncrosslinked fibers. At column 7, lines 13-19, the reference states:

The high surface area cellulose is well mixed with the stiffened fibers in slurry and the slurry is wetlaid as described above. A blender, a deflaker, a valley beater, a refiner (e.g., single, cone, or double disk refiner), or other equipment known in the art, can be used to *mix or declump* the stiffened fibers and high surface area cellulose. (Emphasis added.)

Contrary to the Examiner's statement, the reference does not state that the combination of stiffened fibers and high surface area cellulose is refined. The reference states that the combination of high surface area cellulose and stiffened fibers is mixed, not refined: "The high

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surface area cellulose is well mixed with the stiffened fibers in slurry." The reference merely states that equipment known in the art "can be used to mix or declump the stiffened fibers and high surface area cellulose." Included among the equipment to mix or declump the stiffened fibers and high surface area cellulose are blenders, deflakers, beaters, and refiners. Applicants respectfully submit mixing or declumping fibers using the specified equipment is not equivalent to refining the fibers. The cited reference is silent with regard to refining a combination of stiffened fibers and high surface area cellulose.

Because the cited reference fails to describe a fibrous layer that includes a refined blend of crosslinked and noncrosslinked fibers, the reference is not anticipatory. Withdrawal of this grounds for rejection is respectfully requested.

Furthermore, the cited reference fails to suggest or provide any motivation to make the claimed invention. Although the reference teaches that high surface area cellulose is a component of the fluid distribution member, and describes suitable surface area generating fibers for addition to the stiffened cellulosic fibers, the reference fails to suggest that such high surface area fibers be further refined after combination with the stiffened fibers.

The reference teaches that high surface area cellulose be added to the stiffened fibers "to provide capillary pressure (or suction) to the fluid distribution member" because high surface area cellulose "provide[s] the substrate with capillary pressure well in excess of the capillary pressure found in the bulk-providing chemically stiffened, twisted, and curled fibers alone." See column 6, lines 52-53 and 55-58. The reference further notes that "[e]ucalyptus provides the capillary pressure usually associated with cellulose fines, but at a large enough length and denier so as to not fill in the voids provided by the chemically stiffened, twisted, and curled fibers and will not easily pass through the forming screen." See column 6, lines 60-65. The teaching of the reference is clear: include high surface area fibers with stiffened fibers to provide advantages of

bulk and capillarity. Applicants submit that it is equally clear that the reference does not teach, suggest, or provide any motivation to further refine the combination because doing so would result in filling the voids of the stiffened fibers thereby reducing the advantageous bulk of the combination and adversely impacting the performance of the fluid distribution member, as well as creating fines that would adversely impact the forming process used to produce the fluid distribution member.

Therefore, because the cited reference fails to teach, suggest, provide any motivation to make, or otherwise renders obvious the claimed invention, the claimed invention is nonobvious and patentable over the cited reference.

The Rejection of Claims 17-24 Under 35 U.S.C. § 103(a)

Claims 17-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,549,589, issued to Horney et al. Applicants traverse the rejection for the following reasons.

Claims 17-24 depend from Claim 1. For the reasons noted above, the cited reference fails to teach or suggest the invention of Claim 1.

Because the cited reference fails to teach or suggest the invention of Claim 1, the cited reference cannot teach or suggest the invention of Claims 17-24. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claims 8, 9, 11, 12, 14, and 15 Under U.S.C. § 103(a)

Claims 8, 9, 11, 12, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,549,589, issued to Horney et al., in view of WO 98/51251. Applicants traverse the rejection for the following reasons.

Claims 8, 9, 11, 12, 14, and 15 depend from Claim 1. The deficiencies of the teaching of the Horney reference are not cured by the teaching of WO 98/51251. The cited references fail to

teach or suggest a fibrous layer that includes a refined blend of crosslinked and noncrosslinked cellulosic fibers, as in the claimed invention.

Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention, the claimed invention is nonobvious and patentable over the cited references. Withdrawal of this grounds for rejection is respectfully requested.

The Rejection of Claim 13 Under 35 U.S.C. § 103(a)

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,549,589, issued to Horney et al., in view of WO 98/51251 and further in view of U.S. Patent No. 6,059,924, issued to Hoskins. Applicants traverse the rejection for the following reasons.

Claim 13 depends from Claim 1. The deficiencies of the teaching of the Horney reference and WO 98/51251 are not cured by the Hoskins reference. The cited references fail to teach or suggest a fibrous layer that includes a refined blend of crosslinked and noncrosslinked cellulosic fibers, as in the claimed invention.

Because the cited references, either alone or in any combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the claimed invention, the claimed invention is nonobvious and patentable over the cited reference. Withdrawal of this grounds for rejection is respectfully requested.

Conclusion

In view of the foregoing remarks, applicants believe that Claims 1-30 and 37-40 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicant's attorney at 206.695.1755.

Respectfully submitted,

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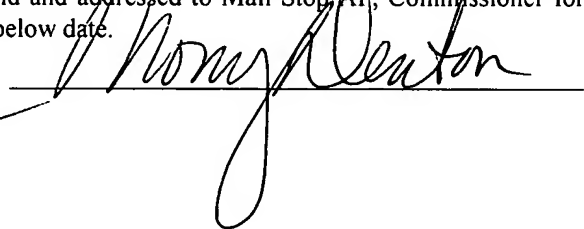


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